FEDERAL COMMUNICATIONS COMMISSION 445 TWELFTH STREET, SW WASHINGTON, DC 20554

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MEDIA BUREAU AUDIO DIVISION APPLICATION STATUS: (202) 418-2730

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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Gap Broadcasting Laramie License, LLC 4300 North Miller Road Suite 116 Scottsdale, AZ 85251

In re: KCGY(FM); Laramie, WY

Facility I.D. No.: 14753

Gap Broadcasting Laramie License, LLC

BLH-19831107AS

Dear Licensee:

In accordance with procedures adopted by the Commission, this letter constitutes notification to Gap Broadcasting Laramie License, LLC ("GBLL") of the filing of an application for a new FM station (BNPH-20091019AEU) by United States CP, LLC ("USCP") in Pine Bluffs, WY. USCP's application proposes that KCGY's license and assignment be modified to specify Class C0 in lieu of Class C pursuant to Note 4 of 47 C.F.R. § 73.3573.¹

The staff has tentatively concluded that the USCP's application meets the requirements of § 73.3573, NOTE 4 and is otherwise acceptable for filing.² Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, GBLL, licensee of Station KCGY, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify Channel 236C0 in lieu of Channel 236C. GBLL may, not later than 30 days from the date of this letter, file a written statement to express its intention to seek authority to modify Station KCGY's

¹ See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, Second Report and Order in MM Docket No. 98-93, FCC 00-368 15 FCC Red 21649 (2000).

² In order to be considered in compliance with NOTE 4, the triggering application must: 1) be short-spaced to the Class C station, but be fully spaced if it were a Class C0; 2) include a certification that no alternative channel is available at the proposed location without any other changes to the table of allotments; and 3) be served on the licensee of the affected Class C station.

technical facilities to attain minimum Class C HAAT; or, alternatively, as provided for by NOTE 4 cited above, otherwise challenge the triggering application. If GBLL chooses to seek authority to modify KCGY's facilities, an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT must be on file with the Commission 180 days subsequent to the show cause response due date. Failure to file a construction permit application within this time period will result in the automatic downgrade of KCGY's licensed and authorized facilities. Furthermore, GBLL must serve USCP with copies of any FAA submissions related to its efforts to modify the KCGY facility.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Failure to respond to this letter will result in the automatic downgrade of KCGY's license pursuant to Note 4 of § 73.3573. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,

Rodolfo F. Bonacci

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Assistant Chief Audio Division

Media Bureau

cc: Howard Liberman, Esq. A Wray Fitch III, Esq.

³ Failure to build pursuant to the subsequently authorized construction permit will also result in the automatic downgrade of KCGY's licensed and authorized facilities.